UNFAIR COMPETITION — INTERFERENCE WITH ANOTHER'S SELLING SYSTEM. — The plaintiff was the originator and manufacturer of a toy consisting of strips of metal of various shapes and sizes, with which it was possible to build in miniature some of the more common mechanical contrivances. The toy was sold in "outfits," seven in all, each "outfit" fitting in with the previous ones purchased and increasing the possibilities of the toy. The defendant began its manufacture, making his "outfits" interchangeable with the plaintiff's and selling at a lower price than his rival. This resulted in a considerable falling off in the plaintiff's business, for which relief is now sought in the form of an injunction restraining the defendant from selling "outfits" interchangeable with the plaintiff's. *Decreed*, that the injunction issue. *Meccano, Ltd.* v. *Wagner*, 234 Fed. 912.

For a discussion of the principles involved, see NOTES, p. 166.

WILLS — CONSTRUCTION — RULE IN SHELLEY'S CASE — REMAINDER TO "ISSUE, SHARE AND SHARE ALIKE." — Land was devised to trustees to the testator's daughter for life, and then to "her issue, and if there be more than one, share and share alike." By statute fee tail is transformed into fee simple. *Held*, that the daughter takes a fee simple. *Bullen* v. *O'Leary*, 1916 Vict. L. R. 297.

The rule in *Shelley's Case* creates a fee tail where a life estate is followed by a remainder to the direct descendants of the life tenant in an indefinite line of inheritable succession. See SPITZ, CONDITIONAL AND FUTURE INTERESTS IN PROPERTY, 42. The rule was originally applicable only where the remainder was to "heirs of the body." It still applies wherever there is a remainder in these words. See CHALLIS, REAL PROPERTY, 3 ed., 153. For the words "heirs of the body" are conclusively presumed to denote an indefinite line of succession. In wills the rule has also been extended to certain other words equivalent in meaning. So it has been applied where there is a remainder to "issue." *Bowen* v. *Lewis*, L. R. 9 A. C. 890. See CHALLIS, REAL PROPERTY, 3 ed., 164. In England, as in the principal case, the rule has been held applicable in wills to such other words, even where the context clearly shows that they are intended to designate particular individuals and not an indefinite line of succession. *Van Grutten* v. *Foxwell*, [1897] A. C. 658; *Roddy* v. *Fitzgerald*, 6 H. L. C. 823. *Contra*, *Montgomery* v. *Montgomery*, 3 Jo. & La T. 47. An analogous problem has also arisen in wills as to what words constitute words of limitation so as to create a fee tail directly, without the use of Shelley's rule. In that case, although words other than "heirs of the body" may be considered words of limitation and so may create an estate tail, yet they do not create such an estate, if it appears that they were meant to be words of purchase. See SMITH, EXECUTORY INTERESTS, 248. In other words, except where the technical words "heirs of the body" are used, the intention is held to govern. The same principle is applied in America to Shelley's rule. So where, as in the principal case, words other than "heirs of the body" are used with a clear intent for a remainder to definite individuals and not to an indefinite line, the rule is held not applicable. *Kemp* v. *Reinhard*, 228 Pa. 143, 77 Atl. 436; *Mallery* v. *Dudley*, 4 Ga. 52; *In re Daniel Utz*, 43 Cal. 200.

WITNESS — PRIVILEGE AGAINST SELF-INCRIMINATION — APPLICATION TO COMPULSORY STATEMENTS OUT OF COURT. — The defendant was convicted of violating a statute requiring an operator of a motor car who knows that he has injured a person to return to the scene of the accident and give his name, address, and license number to any proper person demanding the same. N. H. LAWS 1911, ch. 133, § 20. The Constitution of New Hampshire provides that "no subject shall . . . be compelled to accuse or furnish evidence against himself." BILL OF RIGHTS, Art. 15. *Held*, that the statute is constitutional. *State* v. *Sterrin*, 98 Atl. 482 (N. H.).

The authorities are unanimously in accord with the principal case. *People* v. *Rosenheimer*, 209 N. Y. 115, 102 N. E. 530; *People* v. *Diller*, 24 Cal. App. 799, 142 Pac. 797; *Ex Parte Kneedler*, 243 Mo. 632, 147 S. W. 983. They proceed upon the argument that automobile driving is a privilege granted by the state upon condition that the operator waives his constitutional privilege against self-incrimination. But it is suggested that in the case of an unlicensed driver a waiver of the constitutional privilege could not reasonably be inferred from the act of going on the highway, without knowledge of the condition and without intent to waive the privilege. If that is so, the statute, being unconstitutional as to part of the persons falling within its terms, would be unconstitutional as a whole. *James* v. *Bowman*, 190 U. S. 127. The principal case may be supported on other grounds, however. The problem is to determine the legal meaning of the word "evidence" in the New Hampshire Constitution. Though there is a singular lack of authority in the books, it would seem that at early common law "evidence" meant matters of fact offered in a judicial investigation, and that nowadays it is properly stretched to include matters of fact offered in all sorts of investigations. *In re Emery*, 107 Mass. 172. See *In re Van Tine*, 12 How. Pr. (N. Y.) 507; THAYER, PRELIMINARY TREATISE ON EVIDENCE, 264. But the existence of an investigation and the offering of facts for their probative or testimonial value in that investigation are apparently necessary elements; and neither of them was to be found in the defendant's situation under the statute. See *People* v. *Rosenheimer*, 146 App. Div. 875, 878, 130 N. Y. Supp. 544, 546; *U. S.* v. *Cross*, 20 D. C. 365, 382; WIGMORE, EVIDENCE, §§ 2263, 2264. If the New Hampshire constitutional privilege were phrased with the word "witness," as in the federal Constitution, the conclusion would be easier to grasp; but the extent of the privilege does not vary with the terms used to describe it. See WIGMORE, EVIDENCE, § 2252. *Cf.* 24 HARV. L. REV. 570.

BOOK REVIEWS

A TREATISE ON THE CONFLICT OF LAWS, OR PRIVATE INTERNATIONAL LAW. By Joseph H. Beale. Volume I, Part I, pp. lxxx, 189. Cambridge: Harvard University Press. 1916.

The above is but a small fraction of a comprehensive treatise on the Conflict of Laws, the finishing of which, according to the preface, will involve the labor of many years. It is offered merely in a tentative form for the purpose of inviting criticism and of enabling the author to benefit "by further study and by more mature thought, and especially by that ocular demonstration of faulty thought and inept expression which seeing one's thought in print alone can give." When at last the work is completed, our author hopes that it will include this part in a much improved form.

The treatise proper is preceded by a bibliography covering eighty pages, which includes such books and articles only as are of general scope. Books and articles upon separate topics are to be collected in a section of each chapter in which the topics are considered. The books are classified in two parts: first, books written before 1800; second, books written since 1800. Each part is further classified according to the country in which, or, in the case of modern books, the language in which each book was written. In the case of almost every book a short note is given stating the nature and the scope of the book or something which will give the student unfamiliar with the book some idea of its helpfulness. With the books the names of articles which consider the subject in a general way are given, classified according to the language of the periodical in which they appear. A list of books and special periodicals are suggested as desirable for a public law library in America or England, and a